

CHAPTER 10

REGULATIONS FOR THE MAINTENANCE OF
HOTELS AND MULTIPLE DWELLINGS

Authority

N.J.S.A. 52:27D-133.4, 55:13A-6(e), 55:13A-7 et seq. and 55:13A-13;
and P.L. 1999, c.15, section 6.

Source and Effective Date

R.2004 d.58, effective January 9, 2004.
See: 35 N.J.R. 1175(a), 36 N.J.R. 648(a).

Chapter Expiration Date

Chapter 10, Regulations for the Maintenance of Hotels and Multiple
Dwellings, expires on January 9, 2009.

Chapter Historical Note

Chapter 10, Maintenance of Hotels and Multiple Dwellings, became
effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 10, Maintenance
of Hotels and Multiple Dwellings, was readopted as R.1983 d.629,
effective December 23, 1983. See: 15 N.J.R. 727(a), 16 N.J.R. 128(b).

Pursuant to Executive Order No. 66(1978), Chapter 10, Maintenance
of Hotels and Multiple Dwellings, was readopted as R.1988 d.572,
effective November 17, 1988. See: 20 N.J.R. 2126(a), 20 N.J.R.
3122(a).

Subchapter 25, Fire Protection, was repealed by R.1988 d.572,
effective December 19, 1988, operative June 16, 1989. See: 20 N.J.R.
2126(a), 20 N.J.R. 3122(a).

Subchapter 25, Methods, Devices and Systems for Indirect Apportionment
of Heating Costs in Multiple Dwellings, was adopted as R.1992
d.390, effective October 5, 1992. See: 24 N.J.R. 1844(a), 24 N.J.R.
3515(b).

Pursuant to Executive Order No. 66(1978), Chapter 10, Maintenance
of Hotels and Multiple Dwellings, was readopted as R.1993 d.464,
effective August 26, 1993. See: 25 N.J.R. 2627(a), 25 N.J.R. 4482(a).

Subchapter 27, Child-Protection Window Guards, was adopted as new
rules by R.1995 d.586, effective November 20, 1995. See: 27 N.J.R.
3149(a), 27 N.J.R. 4695(b).

Pursuant to Executive Order No. 66(1978), Chapter 10, Maintenance
of Hotels and Multiple Dwellings, was readopted as R.1998 d.425,
effective July 24, 1998. See: 30 N.J.R. 1462(b), 30 N.J.R. 3068(a).

Subchapter 28, Carbon Monoxide Alarms, was adopted by R.1999
d.259, effective August 16, 1999. See: 31 N.J.R. 825(a), 31 N.J.R.
2330(a).

Subchapter 1A, Local Enforcing Agencies and Subchapter 1B, In-
spector Licensing, were adopted as R.2001 d.468, effective December
17, 2001 (operative July 1, 2002). See: 33 N.J.R. 1983(a), 33 N.J.R.
4311(a).

Chapter 10, Maintenance of Hotels and Multiple Dwellings, was re-
adopted as R.2004 d.58, effective January 9, 2004. See: Source and
Effective Date.

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5:10-1.2 Purpose

(a) The purpose of this chapter is to provide reasonable minimum requirements and standards, based upon scientific and engineering knowledge, experience and techniques, and the utilization of modern machinery, equipment, materials, and forms and methods of maintenance for the regulation of the maintenance of hotels and multiple dwellings in the State of New Jersey in the interest of public safety, health and welfare, as well as to provide effective administrative structures for enforcement.

(b) The Bureau or a local enforcing agency shall have discretion not to enforce any maintenance requirement herein set forth in a particular case if it determines that the violation of such requirement in such case, if allowed to continue, would not jeopardize the health, safety or welfare of occupants or intended occupants or of the public generally. In no case, however, shall the Bureau or local enforcing agency fail to enforce any standards or requirements pertaining to fire safety, building security, occupancy, health or providing of required facilities or equipment except pursuant to an exception granted in accordance with N.J.S.A. 55:13A-11.

Amended by R.2001 d.468, effective December 17, 2001 (operative July 1, 2002).

See: 33 N.J.R. 1983(a), 33 N.J.R. 4311(a).

In (a), inserted “, as well as to provide effective administrative structures for enforcement”; in (b), inserted references to local enforcing agency following “Bureau” throughout.

5:10-1.3 Administration and enforcement

(a) The Bureau of Housing Inspection or local enforcing agency shall administer and enforce these rules.

(b) Each municipality and county of the State may be authorized by the Commissioner to enforce the provisions of this chapter within the corporate limits thereof, subject to the supervision and control of the Commissioner. Any such authorization shall be in accordance with the following terms and conditions:

1. The municipality or county shall comply with all provisions of the Act and regulations and with all directives of the Bureau issued pursuant thereto.

2. The Bureau shall create a reservation for the purchase of inspection services, from the municipality or county during each period from July 1 to the following December 31 and from January 1 to the following June 30 and shall give notice to the municipality or county of the amount of such reservation for each such period. The municipality or county may make requisitions against this reservation in amounts not to exceed credits earned up to the time of requisition. Said reservation may be decreased by the Bureau, if, in its sole discretion, it determines that the municipality or county cannot reasonably be expected to do enough work satisfactory to the Bureau to earn the full amount of the reservation before the end of the State’s fiscal year.

3. The municipality or county shall identify all unregistered buildings within its jurisdiction. A separate information form prescribed by the Bureau shall be completed and promptly forwarded to the Bureau for each such building.

4. The municipality or county shall be obligated to keep the local registry accurate by promptly reporting to the Bureau all transfers of ownership, demolitions, alterations, and construction of buildings within its jurisdiction and by reporting all errors that may appear.

5. The municipality or county shall inspect, in each State fiscal year, all of the multiple dwellings and hotels and units of dwelling space therein which the Bureau determines to be subject to cyclical inspection in that fiscal year.

6. Twenty-five percent of the inspections required to be performed pursuant to (b)5 above shall be completed prior to October 1 of each State fiscal year, 50 percent prior to January 1 of each State fiscal year, 75 percent prior to April 1 of each State fiscal year and 100 percent on or before June 30 of each State fiscal year. In the event that any of these percentages cannot be met based on the number of cyclical inspections that are due during a portion of a year, this requirement shall be deemed satisfied if all buildings that can be scheduled for cyclical inspections are inspected.

7. All buildings are to be inspected in accordance with the most recently promulgated regulations.

8. The municipality or county shall, in addition to whatever local procedures it chooses to adopt, make an inspection report concerning each inspected building upon forms prescribed by the Bureau.

i. All inspection and reinspection reports submitted to the Bureau shall be signed by the local program official(s) designated by the municipality or county and approved by the Bureau.

ii. Such reports shall include the name of the inspector who performed the inspection and shall be submitted to the Bureau not less frequently than once per month.

iii. In the event that an inspection of a building discloses a violation of the regulations constituting an imminent hazard to the health, safety or welfare of its occupants, the municipality or county shall, without delay, transmit its inspection report and findings to the Bureau for appropriate action.

iv. All reports submitted to the Bureau which disclose violations shall be clearly segregated from reports which disclose no violations.

9. When specifically requested by the Bureau, the municipality or county shall conduct, within one week of the request, reinspection of those buildings where violations were discovered at the time of the original inspection.

i. The municipality or county shall make a reinspection report concerning such building upon forms prescribed by the Bureau and forward such reports to the Bureau upon completion thereof.

ii. No reinspection reports will be accepted for credit unless all original reported violations have been reinspected.

iii. The Bureau shall be responsible for notifying the municipality or county when such reinspections are to be conducted.

iv. The municipality or county shall be responsible for any other functions of the enforcement procedure which can be undertaken on a local level.

v. Extensions of time to complete abatement shall be granted only by the Bureau.

10. The municipality or county shall provide the Department with such information as may be necessary to determine the eligibility of the municipality or county for funds that may be requisitioned by it, including, without limitation, copies of past, current and projected operation budgets and tables of organization for the agency undertaking inspection and related duties.

i. The municipality or county shall also supply the Bureau with a list of appropriate totals of those buildings within its boundaries which are not registered or inspected by the end of each State Fiscal Year.

11. The municipality or county shall be solely responsible for compliance with local, State, and Federal law pertaining to the dislocation and relocation of individuals, families and businesses, provided, however, that the municipality or county may apply to the Department for relocation assistance as it may deem necessary.

12. The municipality or county shall perform, within its jurisdiction, inspections of those buildings that are the subject of complaints received by the Bureau.

i. Such inspections shall be complete and performed in accordance with (b)7 above and included in the regular cycle of inspections.

ii. However, in the event that the building that is the subject of the complaint has been issued a valid Certificate of Inspection by the Bureau, the first inspection and reinspection shall be limited to the subject matter of the complaint.

13. All inspections performed pursuant hereto shall be performed by inspectors acceptable to the Bureau.

i. The municipality or county shall provide to the Bureau resumes of all inspectors whom the municipality or county intends to assign to the performance of inspections pursuant hereto.

ii. No inspector disapproved by the Bureau shall perform any inspections pursuant hereto.

iii. Upon request of the Bureau, the municipality or county shall provide to the Bureau such further information concerning any inspector whom the municipality or county assigns or intends to assign to perform inspections pursuant hereto as the Bureau may require.

iv. In the event that the Bureau deems the quality of an inspector's work to be unsatisfactory and so advises the municipality or county, then the municipality or county shall immediately cease to assign inspections required to be performed pursuant hereto to the said inspector.

v. All inspectors assigned by the municipality or county to perform inspections pursuant hereto shall attend, and shall be required by the municipality or county to attend, training sessions scheduled by the Bureau when such attendance is required by the Bureau and any such inspector is not specifically excused by the Bureau.

14. The Bureau shall supply the municipality or county with a listing of all buildings within its jurisdiction registered or on file with the Bureau, and such other information regarding inspection and enforcement activities of the municipality or county and the Bureau as may reasonably be required.

15. The Bureau shall furnish to the municipality or county all forms or documents which are or may become necessary to carry out the duties assumed hereunder.

16. The Bureau, upon receipt of each inspection report disclosing a violation or violations, may initiate whatever enforcement or compliance proceedings as it deems fit and appropriate.

17. The Bureau shall credit the municipality or county in accordance with the following formula:

i. Upon formal registration of each building not now registered, the municipality or county shall be credited with an amount of \$10.00.

ii. In the event of administrative hearings and/or court appearances, the Bureau shall credit the municipality or county with a maximum of \$25.00 per full day for each local witness required to appear. Without prior permission, local attendance at administrative hearings shall be limited to one person per day.

iii. The municipality or county shall be credited with \$10.00 for each transfer of ownership, or creation of a building when the municipality or county is responsible for such information reaching the Bureau in the first instance.

iv. The Bureau shall annually establish and distribute to authorized municipalities a regular inspection payment schedule which shall set forth the payments to be made by the Bureau to each municipality or county

- xiii. Effective methods of data processing;
- xiv. How to plan all phases of inspection's agencies work:
 - (1) Records;
 - (2) Adequate reporting;
 - (3) Model inspection practices; and
 - (4) Staff size and equipment;
- xv. How to participate in management level policy and planning:
 - (1) Agenda preparation;
 - (2) Listing questions and problems;
 - (3) Areas of concern; and
 - (4) Factors in evaluation of ideas and options;
- xvi. Personnel procedures and rules of the State and local government:
 - (1) Hiring, recruiting and placements;
 - (2) Needs assessments, and organization development; and
 - (3) State and Federal laws governing employment practices;
- xvii. Administrative practices, procedures and techniques;
- xviii. Evaluation methods and techniques of management.
 - (1) Obtaining and analyzing information; and
 - (2) Problem analysis;
- xix. Factors involved in the preparation of agency budget:
 - (1) Estimation of work load, supplies and equipment needs;
 - (2) Estimation of funds required for emergency services training, conferences, etc.; and
 - (3) Budget justification;
- xx. Legal aspects of the housing inspection agencies, including legal processes and rules of evidence. Legal responsibilities of inspection personnel. Methods of court appeals and legal basis required:
 - (1) Sources of pertinent laws;
 - (2) Legal rights, restrictions and limitations; and
 - (3) Rules of evidence.

Amended by R.2002 d.341, effective November 4, 2002.
See: 34 N.J.R. 2371(a), 34 N.J.R. 3771(a).

In (b)4, substituted "registered environmental health specialist" for "sanitary inspector", substituted "by" for "to" following "information

submitted" and inserted "(continuing education" following "(license revocation) and (e)" in i, and inserted "or as a registered environmental health specialist" following "health officer" in ii.
Amended by R.2005 d.331, effective October 3, 2005.
See: 37 N.J.R. 1929(a), 37 N.J.R. 3810(a).
Rewrote (b).

5:10-1B.3 Standards for educational programs

(a) To carry out their responsibilities, housing inspectors must be fully knowledgeable about code standards and adequately prepared to administer and enforce them properly. Housing inspection education programs must meet certain standards to ensure housing inspectors have the necessary technical and administrative training to effectively enforce the Act at the local level. This section sets forth explicit guidelines and standards for official education programs. Procedures governing the approval of such educational programs are set forth in N.J.A.C. 5:10-1B.4

(b) This section covers the organizational, administrative, and operational functions that support the education programs.

1. Purposes and objectives: Programs for the effective education are expected to operate with appropriate purposes and objectives. An institution seeking initial and continuing approval of education programs shall include in its catalog clearly defined statements of such purposes and objectives.

2. Organization: Sound educational programs can be operated effectively only when supported by adequate institutional arrangements. Accordingly, only programs offered by or under the auspices of institutions of secondary or higher education, licensed by the New Jersey Department of Education or the Commission on Higher Education, can be considered for approval.

3. Admission, retention and evaluation policies and practices:

i. Admission to education programs: Provision shall be made within the institution for orderly methods of obtaining and filing information relative to candidates applying for admission to education programs.

ii. Grading: An institution shall have evaluation procedures to assess the quality of its students when they complete programs and at the very least establish and apply pass/fail criteria.

iii. Retention: The nature of housing inspection calls for achievement and growth in technical competence. An institution shall determine as objectively and systematically as possible specific strengths and weaknesses of the student as these affect the continuation of the student in education programs.

iv. Evaluation: The institution shall design and implement a well-defined plan for continuing evaluation of students enrolled in the programs and measures of academic ability.

v. Observation by faculty (in courses, laboratories and field experiences) and other modes of appraisal shall be utilized to assess specific strengths and weaknesses as they affect the student's retention within the education programs and readiness to assume a professional role in housing inspection.

4. Student personnel:

i. Supporting student services: Each student shall know where to secure guidance and who is officially responsible for his or her program. Attention must be given to a plan for maintaining desirable student-faculty relationships.

ii. Student records: It is the responsibility of the institution to maintain an adequate system of student personnel accounting, including a permanent cumulative record of each student enrolled. To facilitate ready interpretation by licensing authorities, the graduate is entitled to an intelligible and adequate transcript of record, including a statement of course titles.

5. Faculty: Faculty members shall be competent in their fields and have contacts with code enforcement environments and other sources so that their teaching and research may be current and relevant.

i. Faculty competence: The quality of the faculty is one of the more important factors in judging the effectiveness of an institution. Appraisal of the faculty shall be made in terms of its competence to provide the program for which approval is being sought. Each faculty member, in subject matter and in professional fields, shall have a high degree of competency in his or her area. The faculty consists of those instructors who teach in the curriculums and all personnel who direct students in all types of activities included as part of the curriculum. Those who teach courses shall be familiar with practices in the housing inspection and/or building construction technology generally.

ii. Part-time faculty: The institution, recognizing that an appropriate faculty is one of the major determinants of the quality of its education programs, shall make provision for the use of part-time or adjunct faculty.

iii. No individual who has ever had a license relating to building or inspection suspended for a period of six months or more or has ever had a license revoked for any reason set forth in N.J.A.C. 5:10-1B.7(a) shall be eligible to instruct housing inspection programs.

iv. Instruction: The institution shall evaluate instruction systematically based on the performance of its students within the institution. Consideration shall be given to such items as the performance of the students in class tests, the quality of their subsequent work, and the degree to which the institution as a whole attains its goals in the preparation of housing inspection personnel.

The institution shall show that it utilizes a variety of appropriate instructional procedures which contribute to the effectiveness of the student's preparation, such as class discussions, lectures, laboratory work, and newer media.

6. Facilities and instructional materials: The institution shall provide physical facilities, instructional materials and other resources essential for conducting education programs.

i. Building and grounds: An institution shall have a physical plant designed to serve effectually its defined purposes for education.

ii. Library: The library, as the principal materials resource center of the institution, shall be adequate for the instructional research and other services pertinent to the housing inspection education programs.

iii. Laboratories: Each institution shall be provided with laboratory equipment sufficient for instructional purposes for each program offered.

(c) All courses for credit toward a housing inspection official license shall be designed to meet the following general standards:

1. Standard I, Institutional responsibility: Each institution shall be responsible for developing its housing inspection courses within the general policies relating to education and licensure of housing inspection officials in the State.

2. Standard II, Statement of objectives: Each course shall be built upon a clear-cut statement of its purpose and objectives. These statements shall be prepared by the instructors concerned, shall be based on analysis of current practices and recommendations of the professional organizations representing this field, and shall be available in writing.

3. Standard III, Statement of competencies: Each course shall be built on a clearly formulated statement of the competencies needed in the area.

4. Standard IV, Evaluation and recommendation of the student: Each course shall include provision for a systematic program of evaluation procedures to determine the degree of the student's attainment of competency. These evaluation procedures shall serve as the basis for recommending the student for credit toward the appropriate license.

5. Standard V, Supporting facilities and schedule: Each course shall be supported by plant, facilities, equipment, library, and media resources and shall include opportunities for field or laboratory experiences. Meeting time adequate to implement a scheduled course, including appropriate field and laboratory experiences, shall be provided.